

February 7, 2012

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Ms. Gina McCarthy
Assistant Administrator, Office of Air and Radiation
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Petition for Stay of Interim Final Rule; Nonconformance Penalties for On-
Highway Heavy Heavy-Duty Engines

Dear Ms. McCarthy,

We have received your letter of February 6, 2012 providing an initial response to the above-referenced request for a stay, which we filed on behalf of Mack Trucks, Inc. and Volvo Group North America, L.L.C. ("Mack") on January 27, 2012. You state that EPA does not believe it can provide a response to Mack's Petition within 10 days of its date, as requested. EPA, however, does intend to respond within thirty (30) days of the date of the Petition.

While Mack appreciates EPA's desire for additional time to address the very significant issues raised by the Interim Final Rule, any such extension must be accompanied by EPA's assurance that Mack will not be irreparably harmed as a result of the Agency's process. Mack contends that EPA lacked statutory authority to issue the Interim Final Rule, and considers it critical that EPA not take any potentially damaging action pursuant to that Rule while the Agency is considering Mack's petition. This includes, but is not limited to, the issuance of certificates of conformity based on the Rule. We ask that you confirm that EPA will not take any action based on the use of NCPs provided under the Interim Final Rule until such time as EPA and, if necessary, the reviewing court, have resolved petitions for a stay of the Rule pending review. Moreover, if EPA is unwilling to provide such assurance, it is imperative that Mack be given sufficient notice of EPA's intention to take any action related to the Interim Rule so that Mack is given sufficient opportunity to seek judicial relief to prevent the irreparable harm such action would inflict on the company.

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We therefore request EPA's confirmation within five (5) days of your receipt of this letter that the Agency will not take any action, including but not limited to issuance of any certificates of conformity using NCPs, until Mack's petitions for a stay are resolved. If EPA is unwilling to provide such confirmation, we request that the Agency provide Mack a minimum of fifteen (15) days notice before taking any action with respect to NCPs under the Interim Final Rule, including but not limited to issuance of any certificates of conformity using NCPs.

Thank you for your cooperation on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie R. Domike", written over a circular stamp or seal.

Julie R. Domike
Alec C. Zacaroli
Counsel for Mack Trucks, Inc. and
Volvo Group North America, L.L.C.